

Serial No. 10/686,312
Docket No. 24044-205B

Examiner: A. Lai
Art Unit: 2636

REMARKS

Claims 1, 4-9, and 12-17 are currently pending in this application. Claims 1, 4, 9, and 12 have been amended, and claims 2-3 and 10-11 have been canceled. Reconsideration and allowance of the above referenced patent application in view of the amendments made above and the remarks to follow is respectfully requested.

Claim 1 has been amended to incorporate the subject matter of canceled claims 2 and 3, and claim 9 has been amended to incorporate the subject matter of canceled claims 10 and 11. No new matter is believed to have been added by virtue of these amendments.

Claims 1-2, 4-5, 8-10, 12-13, and 16-17 stand rejected under 35 U.S.C. §102(e) as being deemed to be anticipated by Leonard et al. By virtue of the amendments made to independent claims 1 and 9 (and the indication that originally filed claims 3 and 11 are not anticipated by Leonard et al.), reconsideration and withdrawal of this §102(e) rejection is respectfully requested.

However, originally filed claims 3 and 11 were rejected under §103 as being unpatentable over Leonard et al. in view of Kimura (which rejection would now be deemed appropriate for discussion with respect to amended claims 1 and 9). Applicant respectfully traverses this rejection, and in view of the amendments made above and remarks to follow, request reconsideration of amended claims 1 and 9.

Specifically, Leonard et al. merely describe an arrangement for monitoring the remaining level (i.e. amount) of a consumable source left in the dispenser. Leonard in no way describes or suggests a monitoring arrangement for indicating, whether by time (claim 1) or sensing (claim 9), the effectiveness of a consumable source *that decreases in effectiveness over time or usage*.

{W1369527}

Serial No. 10/686,312
Docket No. 24044-205B

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Art Unit: 2636

Kimura is likewise deficient in this regard. Kimura merely describes separate timers to control operations of different elements, including a light to show that the timer is operating. Here, the corresponding "consumable source" is a fan or heater. Importantly, Applicant again respectfully submits that such a "consumable source" does not decrease with effectiveness over time, nor does Kimura provide any description or suggestion of indicating the operation of a fan or heater than *could* decrease in effectiveness over time.

Therefore, the combination of Leonard et al. and Kimura at best describes or suggests the ability to tell when the consumable source is operating *or* when it is time for replacement. There is no suggestion, Applicant respectfully submits, of appreciating the ability to both indicate when the "consumable source" is operating and simultaneously indicating its effectiveness, since presumably, if the fan or heater (e.g. in Kimura) needed replacement, it would not be operating. Likewise, if in Leonard et al., the dispenser needed a refill, the consumable source would still be operating at a constant effectiveness.¹

As such, Applicant therefore respectfully submits that the ability to measure, quantify and provide an alert as to the *level* of effectiveness while simultaneously indicating that the consumable source is still in use, is both novel and non-obvious in view of the cited art (see Applicant's specification at page 1, lines 20- , "[m]any of these devices ... do not contain any indicator for alerting the user that the device is not functioning up to its optimal level, or in the alternative, do not indicate when the consumable source has lost its minimally desired amount of effectiveness." (emphasis added)).

Claims 6-7 and 14-15 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Leonard in view of Studer. Applicant respectfully disagrees.

¹ Regarding the last sentence in Paragraph [0050] in Leonard, Applicant respectfully submits that this sentence is not present in application Serial No. 60/427,934 and not entitled to priority thereto.

Serial No. 10/686,312
Docket No. 24044-205B

Examiner: A. Lai
Art Unit: 2636

Here again, Applicant respectfully submits, while Leonard et al. describe an insect trap having an RFID tag that measures insect presence (see ¶[0050]), this RFID tag only indicates that the trap has been activated by the presence of insects. Leonard does not describe, prior to Applicant's filing date (see Footnote 1), any means of indicating the effectiveness of an insect bait trap that *decreases in effectiveness* over time and/or with use. Studer is likewise silent on this feature. That is, while Studer may describe an insect trap that uses a light and an adhesive surface, Studer provides no description or suggestion for monitoring the *effectiveness* of the light or adhesive surface in the system, as required by Applicant's claimed invention. This is precisely what Applicant's maintain as their invention (e.g. see page 5, lines 19-21 ("As alluded to above, and more particularly disclosed below, the consumable source may be a light source, an adhesive surface or some other time-related source, whose effectiveness may deteriorate or decline over time (e.g. use)."))

For all of these reasons it is believed that claims 1, 4-9, and 12-17 are allowable over the prior art of record and reconsideration and withdrawal of the rejections of all of the claims is respectfully requested.

CONCLUSION

Applicant believes that the foregoing is a full and complete response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejection of all of the claims is requested. Applicant believes that claims 1, 4-9, and 12-17 are now in condition for allowance and an indication of allowability and an early Notice of Allowance of all of the claims is respectfully requested.


If Examiner feels that a telephonic interview would be helpful, it is respectfully requested that the undersigned be telephoned at (203) 575-2629 prior to the issuance of the next office action.

{W1369527}

Serial No. 10/686,312
Docket No. 24044-205B

Examiner: A. Lai
Art Unit: 2636

Respectfully submitted,



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